

THE HONORABLE JOHN C. COUGHENOUR  
NOTING DATE: DECEMBER 8, 2021

UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

TWIN CITY FIRE INSURANCE COMPANY,	)	NO. 2:20-cv-01623-JCC
	)	
Plaintiff,	)	JOINT MOTION TO CONTINUE
	)	DATES IN CIVIL TRIAL
v.	)	SCHEDULING ORDER
	)	
LUNDBERG, LLC,	)	NOTE ON MOTION CALENDAR:
	)	DECEMBER 8, 2021 [SAME DAY
Defendant.	)	MOTION]

**MOTION**

Pursuant to Fed. R. Civ. P. 6(b) and 16(b)(4), and LCR 16 (b)(6), plaintiff Twin City Fire Insurance Company and defendant Lundberg, LLC (collectively “parties”) stipulate to this Joint Motion for an Order continuing case management dates assigned to this action in the Civil Trial Scheduling Order dated March 16, 2021. Dkt. 23.

**MEMORANDUM**

The parties have previously advised the court that this case will not be ready for trial until resolution of the underlying action, which is captioned *Packaging Corporation of America v. Lundberg, LLC*, No. 19-2-28930-9 SEA (Wash. Sup. Ct. King Cty.). The parties continue to agree that the question of whether and to what extent plaintiff has any indemnity obligation with respect to the underlying action cannot be resolved until the underlying action has been resolved.

JOINT MOTION TO CONTINUE DATES IN CIVIL  
TRIAL SCHEDULING ORDER - 1  
2:20-cv-01623-JCC

**GORDON & POLSCER, L.L.C.**  
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Tigard, OR 97223  
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At the time of this court's issuance of the Civil Trial Scheduling Order setting the trial for this action for May 16, 2022, the trial of the underlying action was set to begin on October 25, 2021. On October 22, 2021, the King County Superior Court issued an order continuing the trial of that underlying action to May 2, 2022. Accordingly, and due to the potential need to conduct discovery following resolution of the underlying action, the parties respectfully request that trial in this matter be continued and re-set for no earlier than December 19, 2022, and that other deadlines likewise be continued.

The parties respectfully suggest the following changes to the Civil Trial Scheduling Order for this action:

Current Civil Trial Scheduling Order dates	Proposed continued dates
Discovery cutoff: January 18, 2022	August 19, 2022
Mediation completed: January 31, 2022	April 1, 2022
Dispositive motion deadline: February 15, 2022	September 23, 2022
Proposed pretrial order: May 6, 2022	December 9, 2022
Trial briefs and proposed voir dire/jury instructions: May 12, 2022	December 15, 2022
Trial: May 16, 2022	December 19, 2022

This motion is brought for good cause as shown herein and not for the purpose of undue delay.

### CONCLUSION

Because the trial of the underlying action is now set for just two weeks before the trial in this action, and because the parties will need time to conduct discovery and potentially file dispositive motions after the conclusion of the underlying action, the parties jointly respectfully

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1 request that this court issue an order continuing the case management dates assigned to this  
2 action to accommodate the litigation of this action.

3 DATED this 8<sup>th</sup> day of December 2021.

4 **STIPULATED BY:**

5 GORDON & POLSCER, L.L.C.

LANE POWELL PC

6  
7 By: s/ Brian C. Hickman  
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9 *Attorneys for Plaintiff*  
*Twin City Insurance Company*

*Attorneys for Defendant*  
*Lundberg, LLC*

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11 **IT IS SO ORDERED:**

12 DATED this 9th day of December 2021.

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19 John C. Coughenour  
20 UNITED STATES DISTRICT JUDGE  
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